

BEFORE THE

## Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of

SCRIPPS HOWARD  
BROADCASTING COMPANYFor Renewal of License of  
Station WMAR-TV,  
Baltimore, Maryland

and

FOUR JACKS BROADCASTING, INC.

For Construction Permit for a  
New Television Facility on  
Channel 2 at Baltimore,  
Maryland

MM Docket No. 93-94

File No. BRCT-910603KX

File No. BPCT-910903KE

To: The Honorable Richard L. Sippel  
Administrative Law Judge**MOTION TO STRIKE SUPPLEMENTAL  
PUBLIC WITNESS STATEMENT**

Four Jacks Broadcasting, Inc. ("Four Jacks"), by its attorneys, hereby moves to strike the supplemental letter from Benjamin L. Hooks that Scripps Howard Broadcasting Company ("Scripps Howard") proffered on September 7, 1993.

1. The Judge's procedural Order in this case, FCC 93M-337 (released June 7, 1993), provided that August 20, 1993 was the deadline for exchanging "sworn frozen (executed) testimony of non-party public witnesses to be sponsored by Scripps Howard." Order at 2 (emphasis added). On August 20, 1993, Scripps Howard exchanged the sworn statements of its non-party public witnesses

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2. Now, however, 18 days after its public witness testimony was frozen, Scripps Howard has submitted further testimony from Mr. Hooks. Mr. Hooks' supplemental letter states that Mr. Hooks was a Baltimore resident "during the summer and fall of 1991" -- a fact that appears nowhere in Mr. Hooks' testimony as of August 20, 1993.

3. The Judge's directive, however, is clear: Scripps Howard's non-party public witness testimony was frozen as of August 20, 1993. The freezing of such testimony on that date was to ensure that on August 20, 1993, Four Jacks had before it Scripps Howard's public witness testimony in final form, and therefore could make timely and informed decisions as to whether and to what extent Scripps Howard's public witnesses should be cross-examined. Permitting Scripps Howard to "clarify" and otherwise supplement its public witness testimony weeks after the date on which it was frozen, as Scripps Howard has attempted to do here, would severely impair Four Jacks' ability to prosecute its case.<sup>1/</sup> The supplemental testimony of Mr. Hooks proffered by Scripps Howard is a grossly late attempt to "unfreeze" Scripps Howard's public witness testimony. Accordingly, it must be stricken.<sup>2/</sup>

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<sup>1/</sup> For example, Four Jacks based its decision not to depose Mr. Hooks on the declaration it received on August 20, 1993.

<sup>2/</sup> This is not the first time that Scripps Howard has ignored the Judge's procedural deadlines and instead chosen to prosecute this case at its own leisure. Scripps Howard has already specified a renewal expectancy witness ten days  
(continued...)

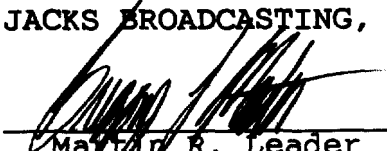
For these reasons, the letter of Benjamin L. Hooks submitted by Scripps Howard on September 7, 1993 should be stricken from the record.

Respectfully submitted,

FOUR JACKS BROADCASTING, INC.

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Its Attorneys

Dated: September 13, 1993

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2/(...continued)

after the Judge's deadline for such specification. See Four Jacks' Opposition to "Motion for Leave to Amend and Amendment to Scripps Howard's List of Party Witnesses on Renewal Expectancy," filed July 2, 1993. Moreover, Scripps Howard has continued to produce large volumes of documents well after the date on which document production was to have been completed.

CERTIFICATE OF SERVICE

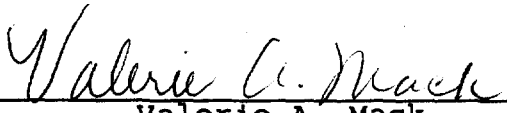
I, Valerie A. Mack, a secretary in the law firm of Fisher, Wayland, Cooper and Leader, do hereby certify that true copies of the foregoing "MOTION TO STRIKE SUPPLEMENTAL PUBLIC WITNESS STATEMENT" were sent this 13th day of September, 1993, by first class United States mail, postage prepaid, to the following:

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